

Ken Weaver

From: Ken Weaver [upokw@montana.edu]
Sent: Friday, July 29, 2005 11:24 AM
To: 'Krotkov, Jasmine - Neihart, MT'
Subject: RE: neihart commission attachment

Jasmine,

I have reviewed the draft charter and offer the following comments:

1. There are a number of typos which really should be corrected before the final draft.
2. I remain troubled by the proposed election of council members to four year and two year terms. I guess that I simply don't see what will be gained by creating a "second class" member of the town council and it will, I think, be confusing to potential candidates and to the electorate. For example, how do you propose to decide which position will be designated on the ballot to be a two year term of office or will you draw straws after the election? Why do it at all?
3. Reference 3.06. How will the veto be communicated to the council so that it can, if it chooses, override?
4. I like your idea of a twice annual town meeting.

Best I can do for you.

Ken

-----Original Message-----

From: Krotkov, Jasmine - Neihart, MT [mailto:Jasmine.A.Krotkov@usps.gov]
Sent: Tuesday, July 19, 2005 1:21 PM
To: Ken Weaver
Subject: neihart commission attachment

I did not attach the charter to my previous email.

-Jasmine Krotkov

Ken Weaver

From: Ken Weaver [upokw@montana.edu]
Sent: Friday, June 24, 2005 11:26 AM
To: 'Krotkov, Jasmine - Neihart, MT'
Subject: RE: Neihart gov review

Ms.Krotkov

What follows are abbreviated answers to the questions you pose below. My responses are abbreviated because I do not fully understand the meaning of several of your questions/ideas.

1. I don't understand your reference here but suffice it to say that it is NOT a good idea to prevent the town clerk from serving as treasurer. Of the 129 municipalities in Montana, at least 100 have clerk/treasurers. If you write this into a charter, the voters will have to approve fixing it later. Why not trust your local officials to decide weather or not they need another person on the payroll to serve as treasurer?

-a) I don't understand your reference but yes, there certainly is a difference in the language "may" versus "shall."

-b) I don't understand your question.

2. You may not include language that establishes or modifies the structure or functions of the court and I urge you not to try paraphrasing the statutes. See 7-3-708(3), MCA.

3. a) I don't understand your references but you may certainly use whatever numbering system you wish to meet your needs.

3. b) If you have three council members serving three year, overlapping terms of office, the town will be required to conduct and pay for an election every year. Elections cost the town and its tax payer's money and are not without hassle for the government and for the voters. You may wish to consider proposing a three person council serving two or four year overlapping terms which would result in alternate year elections (odd numbered years), as is the case for almost all Montana municipalities. The two municipalities that had annual elections have abandoned them. The mayor could run for a two or four year term in the same year that the solo council position is up (e.g. 2007-two council positions; 2009-one council person and the mayor).

4. Supplemental recommendations for the government may be presented in a "supplementary report" that is forwarded directly to the town government. See 7-3-190, MCA.

5. The town meeting idea is interesting but are you sure you need to set the dates so precisely? Why not just say July and December and let the council decide which day works best?

I will be pleased to send along a digital version of a model charter for your use if you wish and I will also be happy to review a draft before you go final.

Ken Weaver

-----Original Message-----

From: Krotkov, Jasmine - Neihart, MT [mailto:Jasmine.A.Krotkov@usps.gov]
Sent: Monday, June 20, 2005 1:39 PM
To: Ken Weaver
Subject: Neihart gov review

Ken,

We have completed our canvass of voters, interviews and other research projects, and have come to an agreement on what our recommendation will be: a charter that closely mirrors our current Certificate with a few small changes and

clarifications. We are modeling our charter on the example you put in your book. We have a few questions for you:

1) in section 3.05, Administrative duties of mayor we added #5: "A financial officer (who may be called "treasurer") shall be appointed by the Mayor with the consent of the council. The financial officer may not be the Town Clerk."

-a) should this be 3.06 because the mayor SHALL rather than MAY or does it really matter?

-b) Does the title 'officer' or 'treasurer' connote something in a legal sense to the state? Does it imply or confer powers or responsibilities by virtue of the title?

2) Section 4.01 states there will be a city court and judge as provided by law. In order to make our charter a more useful "go-to" document for everyone, we'd like to recapitulate the gist of the law in a sentence or two and provide the actual reference. MCA_____.

3) Section 7.02(a) Transition

a) will this be section 7.02(a) or 7.03 with each subsequent section getting bumped up a number?

b) we are recommending changing from 3 council members serving 2 year, concurrent terms to 3 council members serving 3-year, overlapping terms. All council members and the Mayor will be up for election this Nov, when we plan to have our proposal on the ballot.

"The Town officials elected during the election in which this Charter is adopted shall have their terms adjusted as follows:

1. The Mayor's term of office shall become three (3) years.

2. The Council members shall determine by lot which member is to serve for a one(1) year, two year or three year term, with each subsequent term being three years. The provisions of this transition article shall not be published as part of the Charter after three (3) years."

What are the problems with this apparently excellent idea?

4) We have a lot of recommendations for the council as a result of our research which is not directly concerned with altering the form of government. Things like suggesting they create a packet of info to provide to incoming council members. How are these 'supplemental recommendations' presented? As addenda to final report? As a letter to the Mayor?

5) Section 2.07 Town Meetings:

"The council shall conduct two informational Town Meetings each year, in addition to its regular monthly council business meetings. On the first Wednesday of July and the first Wednesday of December the council will report on its activities since the last meeting, and on plans for future activities as well as giving citizens an opportunity to voice their concerns, offer suggestions and otherwise provide input. Posting of the agenda and minutes of informational meetings shall be according to ordinance."

-suboptions - these dates or those set by the council each year.

What sort of can of worms is this? We ran the idea by the Mayor and council and they are very supportive.

Thank you for your attention and support!

-Jasmine Krotkov
Chairperson
Neihart Government Review Commission
(406) 236-5309 or 236-5480